



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,570	07/23/2001	David Kenneth Blanchard	52646-00306USPT	6110

26231 7590 11/17/2003

FISH & RICHARDSON P.C.
5000 BANK ONE CENTER
1717 MAIN STREET
DALLAS, TX 75201

EXAMINER

SHAPIRO, JEFFERY A

ART UNIT	PAPER NUMBER
----------	--------------

3653

DATE MAILED: 11/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/911,570

Applicant(s)

BLANCHARD, DAVID KENNETH

Examiner

Jeffrey A. Shapiro

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 7, 9-15, 17-22, 24-29, 31, 33-35, 37-42, 44 and 47-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Finley et al (US 6,442,448 B1).

As described in Claims 1, 14, 17, 33 and 47;

1. an in-store controller (300 or 1401) for processing at least one message relating to a retail refueling environment (see col. 3, lines 15-20);
2. a server module (see col. 3, lines 15-20), connected to the in-store controller, comprising at least one of a transmitter and a receiver (note, for example, the use of a satellite dish and modem in figure 14);
3. at least one client module (1402-1405, for example) comprising at least one of a transmitter and a receiver (838 and 839);
4. at least one service device (850) or peripheral device (362), connected to the at least one client module, for processing the at least one message (see also col. 25, lines 1-34);

5. a wireless communication link for communicating the at least one message between the at least one of a transmitter and a receiver in the server module and the at least one of a transmitter and a receiver in the at least one client module (note again, for example, the satellite dish and modem of figure 14);

As described in Claims 2 and 18;

6. the processing further comprises generating the at least one message (see col. 25, lines 40-48);

As described in Claims 3 and 19;

7. the processing further comprises extracting the at least one message (see col. 25, lines 40-48);

As described in Claims 4, 20 and 34;

8. a serial interface for connecting the in-store controller to the server module (402);

As described in Claims 5, 21 and 35;

9. a serial interface for connecting each of the at least one client module to a corresponding one of the at least one service device (353 or 610) (see also col. 5, lines 5-9 and col. 9, lines 8-10);

As described in Claim 7;

10. the service device comprises a tank gauge monitor (see col. 24, lines 60-67, noting that tank level monitoring is a maintenance function, and col. 25, lines 12-19);

As described in Claim 9;

11. the at least one service device comprises a leak detection system (see col. 25, lines 12-19);

As described in Claim 10;

12. the at least one message comprises leak detection information (see col. 25, lines 12-19);

As described in Claim 11;

13. the at least one message comprises customer transaction information (see col. 25, lines 20-26);

As described in Claims 12, 22, 37 and 48;

14. the at least one message is formatted according to a protocol link layer for transmission of at least one data packet, the at least one data packet comprising wired connection protocol information for a retail refueling environment (see col. 24, lines 18-67 and col. 25, lines 35-48);

As described in Claim 13;

15. the at least one service device comprises at least one of a car wash controller, a satellite digital interface unit (see figure 14, for example), and a price board controller;

As described in Claim 14;

16. an indoor payment terminal (170) for processing at least one message relating to a retail fueling environment (see again, col. 25, lines 20-26 and protocol adapter (150));

As described in Claims 15 and 40;

17. the at least one peripheral device comprises at least one of a customer display (409), a pin-pad, a journal printer, a receipt printer, a keyboard, an input mouse, a touchscreen, a barcode scanner, a cash drawer, a check approval interface, a surveillance camera, and a money order machine (see also, col. 6, lines 6-21);
18. the peripheral device is at least one of a smartcard reader (see col.6, line 14, noting that a smart card reader is a card reader) and an automated refueling robot controller;

As described in Claims 24, 25 or 38;

19. the POS network controller (1310) or dispenser controller (1316) or forecourt controller device comprises a customer access terminal (CAT) network controller (see col. 22, lines 45-62, noting that a touch screen controller is mentioned);

As described in Claims 26 and 39;

20. at least one user interface device (1310) communicating with the CAT controller board via a wireless interface (note figures 7, 12, 13 and

14, noting that wide area networks are generally wireless networks and that satellite dishes are considered to be wireless);

As described in Claim 27;

21. the POS network controller comprises a pump network controller (1420);

As described in Claims 28 and 41;

22. the forecourt controller device comprises a pump controller (1314, 1316 and 1318);

As described in Claims 29 and 42;

23. at least one fuel dispensing component communicating with the pump computer via a wireless interface (see col. 4, lines 40-48);

As described in Claims 31 and 44;

24. a dispenser control board (DCB) (110);

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims Claims 6, 8, 16, 23, 30, 32, 36, 43, 45, 46 and 49-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finley et al in view of Dickson (US

6,574,603 B1). Finley et al discloses the system described above. Finley et al further discloses the following.

As described in Claim 49;

25. the at least one message is further formatted to include a source address field identifying the address of a transmitter module that performs the step of transmitting (see table at col. 26, lines 10-18);

As described in Claim 50;

26. the at least one message is further formatted to include a destination address field identifying the address of a receiver module that performs the step of receiving (see col. 65-67 and col. 26, lines 1-24);

As described in Claim 51;

27. the at least one message is further formatted to include a message command field, the message command field indicating at least one of an attachment of a data packet, an acknowledgement/non-acknowledgement response, an in-range inquiry, and an in-range response (note that IEEE standards are used to create and handle messages, such as IEEE 802.3—see col. 6, lines 50-56);

As described in Claim 52;

28. the at least one message is further formatted to include at least one of a message sequence number field, and a message length field indicating a total length of the at least one message (note that IEEE

standards are used to create and handle messages, such as IEEE 802.3—see col. 6, lines 50-56);

As described in Claim 53;

29. the at least one message is further formatted to include at least one of a start-of-text field, an end of text field, and a cyclical redundancy field check (note that this would be expedient for one ordinarily skilled in the art to include in an email system);

As described in Claim 54;

30. the at least one data packet comprises customer transaction information (see col. 25, lines 1-34);

As described in Claim 55;

31. the at least one data packet comprises a pump control information (see col. 25, lines 1-34);

As described in Claim 56;

32. the at least one data packet comprises a customer identification information (see col. 25, lines 1-34);

Finley et al does not expressly disclose, but Dickenson et al discloses the following.

As described in Claim 8;

33. the at least one message comprises refueling tank level information
(see Dickson et al, US 6,574,603 B1), col. 11, lines 44-50;

As described in Claims 6, 16, 23 and 36;

34. wherein the wireless communication link (see figure 4D and Claim
1 of Dickson, for example, which mentions wireless communications)
comprises a spread spectrum communication link (note that spread
spectrum is considered a functional equivalent to blue tooth, cell phone
network, etc., as these are standard wireless systems);

As described in Claims 30, 32 and 45;

35. the POS network controller comprises a radio frequency
identification system (RFID) controller (see col. 8, lines 38-45);

As described in Claim 43;

36. the fuel dispensing component comprises at least one of a
price/volume display (96), a stop button, an emergency stop button, a
select-to-start button (102), a push-to-start button (102), a nozzle boot
microswitch, a valve, a vapor recovery system , and an automatic
refueling robot (see col. 11, lines 44-50);

As described in Claim 46;

37. the customer identification device comprises at least one of a bezel
reader, a card reader (92), a smart card transceiver, a tag transceiver (see
col. 8, lines 38-45), a nozzle antenna reader, a handheld reader, and a
vehicle on board system;

Both Finley et al and Dickson et al are considered analogous art since they concern use of the internet for networking of fuel dispensers in a vehicle fueling environment.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have provided the refueling tank level means, wireless communication link, RFID controller, price/volume display (for example), or tag transceiver of Dickson et al to the system of Finley et al.

The suggestion/motivation would have been to provide a secure and efficient means of interface with customers. See abstracts of Dickson et al and Finley et al.

Therefore, it would have been obvious to obtain the invention as described in Claims 6, 8, 16, 23, 30, 32, 36, 43, 45, 46 and 49-56.

Response to Arguments

5. Applicant's arguments filed 9/22/03 have been fully considered but they are not persuasive. Applicant asserts that Finley and Dickinson do not read on Applicant's claim limitations. Applicant asserts that these prior art systems do not have "a wireless communication link for communicating between the at least one of a transmitter and a receiver in the server module and the at least one of a transmitter and a receiver in the at least one client module." However, one can construe a "server module" as including any number of components of the system. This term is broad enough as to invite such interpretations. The entire system, because it has a server, or is connected to a server, can be interpreted to be a server module. In addition, all of the components of the

system are connected. Regardless of where the wireless connection is placed, as long as it is in the system, it appears that Finley's system has substantially the same structure performing substantially the same functions with substantially the same results. In addition, wireless communication, at the very least, is considered a functional equivalent of the communication used in either Finley or Dickinson. See, for example, Baric (US 6,527,176 B2), col. 3, lines 25-31 indicate that such a communications connection can be either wired or wireless. Further, nowhere in Applicant's specification is there any mention of anything regarding the criticality of the wireless components being part of any particular portion of the system. Note also previously cited Lincke, which states in col. 11, lines 62-64, that "the internet (190) could be replaced by any communications network." Applicant does state on p.16, lines 1-5, that "[t]he system in accordance with the present invention allows for replacement of the conventional wired connections with wireless server and client RF modules that are transparent to the devices being interfaced with one another." Again, this is consistent with Baric, recited above, which indicates that the communications can be either wired or wireless.

Therefore, the rejection of Applicant's Claims, as currently written, and reasonably, broadly construed, is maintained.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Johnson (US 6,535,726 B1) is cited as an example of a wireless POS in a retail fueling environment.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Shapiro whose telephone number is (703)308-3423. The examiner can normally be reached on Monday-Friday, 9:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald P. Walsh can be reached on (703)306-4173. The fax phone number for the organization where this application or proceeding is assigned is (703)306-4195.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1113.


Application/Control Number: 09/911,570
Art Unit: 3653

Page 13



Jeffrey A. Shapiro
Examiner
Art Unit 3653

November 12, 2003



DONALD P. WALSH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600